

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN SAGAR,

Plaintiff,

COMPLAINT

-against-

PLAINTIFF DEMANDS
TRIAL BY JURY

LONG ISLAND RAILROAD COMPANY,

Defendant.

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Plaintiff, by his attorney, FREDRIC M. GOLD PC, complaining of the defendant, respectfully shows to this Court and alleges:

1. The actions herein arises under the Federal Employer's Liability Act (45 U.S.C. Sec. 51 et al.).
2. Upon information and belief and at all times herein mentioned, the defendant was a public benefit corporation organized and existing under and by virtue of the laws of the State of New York.
3. Upon information and belief and at all times herein mentioned, the defendant had been and still is doing business in the County of New York, State of New York, within the jurisdiction of this Court.

4. At all times herein mentioned, the defendant was and now is a common carrier by rail engaged in interstate commerce between different states in the United States.

5. That on or about July 30, 2020, prior thereto and continuing, and at all times hereinafter mentioned the defendant employed the plaintiff as an Electrician in furtherance of its business in interstate commerce.

6. That on or about July 30, 2020, prior thereto and continuing, and at all times hereinafter mentioned, the defendant maintained and controlled railroad operations in and around Hillside Maintenance Facility and its environs in the County of Queens, in the State of New York, including offices, tracks, rails, tunnels, switches, sidings, roadbeds, maintenance yards and facilities, and appurtenances thereto, over through and upon which the defendant operated its engines, trains and cars under its direction and control.

7. That on or about July 30, 2020, prior thereto and continuing, while the plaintiff, as an employee of the defendant, was in the performance of his duties as a Electrician, Maintenance of Equipment, at or near the aforesaid location, he was caused to sustain severe and disabling injuries as a result of the negligence, carelessness and recklessness of the defendant in failing to provide him with a safe place in which to work as hereinafter set forth.

8. That on or about July 30, 2020, prior thereto and continuing, the plaintiff was working as an Electrician, Maintenance of Equipment, at the Hillside Maintenance Facility, he was caused to sustain severe disabling injuries as a result of the negligence, carelessness and recklessness of the defendant in causing, permitting and allowing him be repeatedly exposed to dangerously high levels of noise, in failing to provide him with the proper equipment with which to work as hereinafter set forth.

9. That the said conditions and resulting injuries to the plaintiff were caused solely by reason of the negligence, carelessness and recklessness of the defendant, its agents, servants and/or employees' in failing to promulgate safety rules and procedures for activities carried out by their personnel at the aforesaid place; in failing to warn the plaintiff of the existence of the dangers involved in the performance of his duties as an Electrician; in failing to provide adequate and/or appropriate hearing protection; in failing to remediate excessive, unnecessary noise; in failing to provide the plaintiff with the necessary and proper tools and equipment with which to work; in failing to make proper and adequate provisions for the safety of plaintiff; in that the defendant failed to promulgate and enforce proper and safe rules for the safe conduct of the work operations of the railroad and the defendant was otherwise generally negligent under the circumstances.

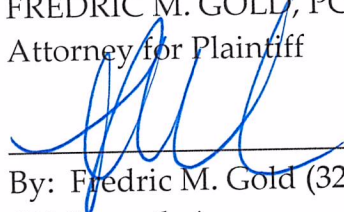
10. That the said injuries were incurred while the plaintiff was acting in furtherance of interstate commerce, or in work substantially affecting the same.

11. That the plaintiff was damaged in a sum in excess of SEVENTY-FIVE THOUSAND (\$75,000.00).

WHEREFORE, plaintiff demands judgment against defendant THE LONG ISLAND RAILROAD COMPANY, in a sum in excess of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) together with costs and disbursements.

Dated: New York, New York
February 15, 2022

FREDRIC M. GOLD, PC
Attorney for Plaintiff



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